



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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WASHINGTON, DC 20350-1000

SECNAVINST 5710.23C
ASN (RD&A) //SSP
21 SEP 2002

SECNAV INSTRUCTION 5710.23C

From: Secretary of the Navy

Subj: IMPLEMENTATION OF, AND COMPLIANCE WITH, ARMS CONTROL
AGREEMENTS

Ref: (a) DOD Directive 2060.1 of 9 Jan 2001 (NOTAL)
(b) DOD Instruction 5000.2 of 5 Apr 2002 (NOTAL)
(c) SECNAVINST 5000.2B of 6 Dec 96
(d) SECNAVINST 5420.188E of 11 Dec 97
(e) U.S. Navy Regulations
(f) SECNAVINST S5460.3C, 5 Aug 99

1. Purpose To fulfill responsibilities set forth in reference (a), this instruction establishes policies and procedures to ensure all Department of the Navy (DON) activities, including but not limited to research, tests, development, acquisition, exercises and operations, comply with applicable arms control agreements. This instruction is a substantial revision and should be reviewed in its entirety.

2. Cancellation SECNAV Instruction 5710.23B.

3. Background

a. Reference (a) requires that the Secretary of the Navy ensure compliance with arms control agreements; provide advice and assistance on implementation, compliance, and interpretation of arms control agreements; establish detailed procedures for implementation of, and compliance with, arms control agreements; designate an implementation and compliance review manager; provide periodic reports of arms control compliance; and seek approval from the Under Secretary of Defense (Acquisition, Technology and Logistics) (USD (AT&L)) on any arms control issues that reasonably raise compliance concerns.

b. Reference (b) requires the Secretary of the Navy to ensure appropriate legal review of DON acquisition and procurement of weapons for consistency with domestic and

international law and to ensure compliance with all obligations under relevant arms control agreements. Reference (c) and this Instruction assign these responsibilities within DON to both the Judge Advocate General of the Navy (JAG) and the General Counsel (GC), as further delineated in paragraph 5.

c. These arms control agreements cover, but are not necessarily limited to, strategic arms, nuclear testing, chemical and biological warfare, and measures to reduce the outbreak of war. Current and future arms control agreements may affect mission force structure, deployments, operations, and budgets and may place limitations on research, development, and implementation of specified technologies within Navy and Marine Corps programs. If not properly addressed, arms control constraints could lead to inadvertent non-compliance, waste of resources, and/or international incidents.

d. For the purposes of this instruction the term "arms control agreements" includes acceptance of any arms control measures by the United States and one or more other nations. It may include legally or politically binding arrangements and may be characterized as, among other things, a treaty, agreement, protocol, declaration, memorandum of agreement/understanding, or confidence and security building measure. Substantively, the term may encompass any agreement or arrangement governing any aspect of the following: the numbers, types, location, testing and performance characteristics of weapons systems (including command and control, logistics support arrangements, and any related intelligence-gathering mechanism); the numerical strength, organization, equipment, deployment, or employment of the armed forces of the parties; and those measures taken for the purpose of reducing instability in the military environment.

4. Policy All DON activities shall be fully compliant with arms control agreements of the U.S. Government. Current and anticipated arms control compliance requirements, obligations, and constraints shall be considered as an integral part of DON policy planning, acquisition processes, and operations. Within DON, when there is doubt whether an issue raises an arms control compliance concern and whether clearance or resolution is necessary, it shall be sought using the methodology outlined in this instruction.

5. Responsibilities

a. The Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RD&A)) shall be responsible for managing the implementation and compliance processes for current and future arms control agreements.

b. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) shall be responsible for DON policy positions during arms control negotiations, for operational input to Navy and Marine Corps implementation, compliance, and planning activities, and resource sponsorship for current and new arms control implementation requirements.

(1) The Deputy Chief of Naval Operations (Plans, Policy and Operations (N3/N5)) (DCNO (PPO) (N3/N5)) and the Deputy Chief of Staff of the Marine Corps (Plans, Policy, and Operations) (DCS (PPO)) shall be responsible for formulation of DON arms control negotiation policy positions, in coordination with the Director, Strategic Systems Programs (DIRSSP), during current and future arms control negotiations, and for operational input to DON implementation, compliance, and planning activities, and provide Navy and Marine Corps arms control negotiation and operational impact issues to the Joint Staff.

(2) The Director, Submarine Warfare Division (CNO(N77)) shall serve as responsible resource sponsor of the lead office for arms control implementation requirements.

(3) The Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps may designate additional/associate funding resource sponsors for arms control implementation requirements, if required.

c. Director, Strategic Systems Programs (DIRSSP) shall be responsible within the DON for planning and coordination of DON arms control implementation policy and activities, conducting program compliance and implementation reviews with appropriate OSD and other Military Service Secretariat Staffs, and providing DIRSSP input for formulation of DON policy positions during all arms control negotiations. At the direction of ASN (RD&A), DIRSSP will establish and chair a Navy Arms Control Review Board (NACRB) to review DON's implementation of, and compliance with, treaties and agreements.

d. Consistent with the responsibilities assigned to their respective offices by references (c) through (e) and this instruction, the General Counsel and the Judge Advocate General shall provide legal support, review and advice, as appropriate, to ASN (RD&A), CNO and, CMC and their subordinate offices in fulfillment of their responsibilities under this instruction. In addition, the General Counsel and the Judge Advocate General or their designees serve as members of the NACRB and shall provide legal advice and assistance, as appropriate, to the NACRB.

e. Consistent with responsibilities assigned by reference (f), the Director, Special Programs Division (CNO (N89)) is responsible to ensure DON Special Access Programs (SAPs) are prepared to demonstrate compliance with arms control treaty verification activities without compromise of sensitive program information and reviews required by references (b) and (c) are accomplished.

f. Consistent with references (c) through (f) all commanders and program managers are responsible for ensuring full compliance with arms control treaty obligations in accordance with this instruction.

6. Action

a. The ASN (RD&A) is the DON implementation and compliance manager for arms control agreements and shall:

(1) Designate the DIRSSP as the lead office for all DON arms control compliance and implementation functions and to represent DON at treaty Compliance Review Group (CRG) meetings and treaty Implementation Working Group (IWG) meetings, and for any interaction with USD (AT&L).

(2) Establish a NACRB to review DON's implementation of and compliance with treaties and agreements. The Director, Strategic Systems Programs, or his designee (Flag or SES) shall serve as chairperson of the NACRB.

(3) Ensure all DON activities are fully compliant with arms control agreements of the U.S. Government. For specific DON planned activities, seek appropriate DoD clearance, through the appropriate CRG, on a timely basis, before taking any action, including but not limited to research, tests,

development, acquisition, exercises and operations that reasonably raise an issue of DON compliance with an arms control agreement.

(4) Submit, as requested, reports of compliance with arms control agreements to the USD (AT&L) and those DON issues that raise compliance concerns to the appropriate DoD CRG.

b. DCNO (PPO) (N3/N5) and the DCS (PPO) shall:

(1) Coordinate the development of arms control negotiation policy, as appropriate, with ASN (RD&A), Director, Submarine Warfare Division (CNO (N77)), Director, Special Programs Division (CNO (N89)), and the lead office (DIRSSP).

(2) Provide Navy and Marine Corps negotiation policy positions on arms control to the Joint Staff.

c. CNO(N77) shall ensure that adequate funds are programmed to support Navy and Marine Corps compliance with arms control agreements.

d. The Naval Criminal Investigative Service, in coordination with the lead office (DIRSSP), shall provide counter-intelligence and security support as required for implementation and compliance throughout DON.

e. The Director, Special Programs Division (CNO(N89)) shall, for all applicable programs under N89 cognizance, in coordination with the lead office (DIRSSP), and other offices as appropriate:

(1) Establish for N89 programs implementation and compliance plans and procedures;

(2) Ensure timely and effective conduct of plans and procedures during compliance and implementation verification activities;

(3) Conduct program compliance and implementation reviews as required by reference (a) through (d);

(4) Provide input for formulation of DON policy positions during all arms control negotiations;

(5) Include DIRSSP or designated senior representative in Special Programs Review Group (SPRG) deliberations of arms control issues affecting Special Access Programs.

f. DIRSSP (lead office) shall:

(1) As the DON lead office for arms control implementation and compliance, establish and execute plans and procedures to ensure that DON complies with the obligations of existing and future arms control agreements.

(2) Identify acquisition programs or research efforts most likely to be affected by arms control treaties. Coordinate with affected Program Managers to ensure that plans and designs for these programs are compliant with treaty requirements. Assist Program Managers in meeting arms control certifications for acquisition milestones, required by reference (c).

(3) Identify and conduct review of programs and projects of DON warfare centers, other shore activities and operating forces that are most likely affected by arms control treaties. Assist these DON activities to ensure treaty compliance.

(4) Budget for resources necessary to carry out lead office responsibilities for arms control agreements implementation and compliance.

(5) Submit as required, arms control agreement compliance reports to ASN (RD&A).

(6) Provide administrative and secretariat services to the NACRB.

g. The General Counsel and the Judge Advocate General or their designees will serve on the NACRB and will provide legal advice and assistance to the Board in its deliberations consistent with the responsibilities set forth in paragraph 5d.

h. The NACRB shall:

(1) Establish a DON review process for arms control treaty and agreement compliance and implementation issues.

(2) Review all Navy and Marine Corps activities that reasonably raise compliance concerns with arms control agreements. Provide recommendations to ASN (RD&A) as appropriate. Ensure issues that are in doubt are fully vetted within the DON review process.

(3) Coordinate arms control compliance certification decisions of ASN (RD&A) for weapons, equipment programs, and activities in appropriate OSD and DON forums.

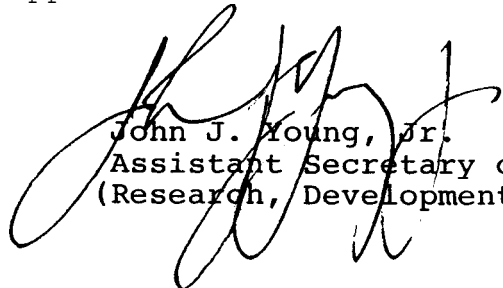
(4) Review emerging DON operational requirements and proposed acquisition programs for arms control compliance and implementation effects prior to Milestone A decisions.

(5) Review arms control related DON implementation and compliance plans, programs, and budgets.

(6) Provide periodic reports, not less frequently than annually, advising ASN (RD&A) on the status of arms control implementation and compliance activities of DON. Provide other reports as may be required by emergent issues.

(7) Membership: DIRSSP (chair); representatives from CNO (N3/N5, N89); CMC (DCS PPO); JAG; GC; funding sponsors; and other representatives as may be appropriate to the specific treaty or issue the NACRB may address.

7. Report The reporting requirement contained in paragraph 6.a. (4) is assigned symbol DD-AT&L(AR)1229(5710) and is approved in accordance with SECNAVINST 5214.2B.



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